IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 9501 of 1997

Between:

1 Gudipudi Sesharatnam W/o Satyanarayana r/o
Surampalem village Chatrai mandal, Krishna dist
2 Vegi Nagamani w/o Venkateshwara rao
r/o Surampalem village Chatri mandal, Krishna dist
3 Naragani Nageswara rao s/o Gopaiah, r/o Mulagalapativarigudem village
Visannapet mandal, Krishna dist
4 B.Lakshmi w/o Channiah, r/o Mulagalapativarigudem village, Visannapet
Mandal, Krishna dist
5 Kandula Sivanarayana s/o Narasimhulu r/o Surampalem, Chatri Mandal
Krishna dist

..... PETITIONERS

AND

1 The Krishna District Co-operative Central Bank Ltd.,

Rep. by its Manager,
Chatrai Branch Chatrai Mandal, Krishna District.

2 The Sale Officer, The Krishna District Co-operative Central Bank Limited,
VIJAYAWADA, Chatrai Branch, Krishna District.

3 Vegi Vijaya Kumari W/o late Vegi Venkata Suryanarayana
R/o. Surampalem Village, Chatrai Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the connected records from the respondents 1 & 2 and issue an appropriate writ, order or direction preferably a writ in the nature of CERTIORARI, quashing the sale notice dt.22-04-1997 issued by the 2nd respondent to the extent of bringing the land of Acs.2-50 cents in R.S. No.548/4, Acs.0-82 cents in R.S. No.522/7, Acs..2-01 cent in R.S. No.523, Acs.7-34 cents in R.S. No.512/2, Acs.2-00 in R.S. No.512/3 and Ac.1-40 cents in R.S. No.512/1 for sale situated at Surampalem village, Hamlet of Chanubanda, Chatrai Mandal of Krishna District.

Counsel for the Petitioners: MR.K.RANGA RAO

Counsel for the Respondent Nos.1 and 2: MR.B.ADINARAYANA RAO

Counsel for the Respondent No.3: MR.KOWTURU VINAYA KUMAR

The Court made the following :

ORDER:

Heard the learned counsel for the petitioners and the learned counsel for respondent Nos.1 and 2.

Questioning the sale notice dated 22-04-1997 issued by the second respondent to the extent of bringing to sale the items of land in an extent of Ac.2-50 cents in R.S.No.548/4, Ac.0-82 cents in R.S. No.522/7, Ac.2-01 cents in R.S.No.523, Ac.7-34 cents in R.S.No.512/2, Ac.2-00 in R.S.No.512/3 and Ac.1-40 cents in R.S.No.512/1 situated at Surampalem village, Hamlet of Chanubanda, Chatrai Mandal of Krishna District, the petitioners filed the writ petition.

The petitioners claim to be owners of the lands in question having purchased the same under registered sale deeds from their respective vendors who in turn purchased the same from one Vegi Venkata Satyanarayana, who is the husband of respondent No.3 herein. They state that respondent No.1-bank, by the impugned notice, sought to put to sale the lands in question along with some other lands of respondent No.3, totaling an extent of about Ac.30-00 worth about Rs.25.00 lakhs for recovery of an amount of Rs.1.00 lakh due from respondent No.3. Therefore, the petitioners seeking a direction to respondent Nos.1 and 2 to proceed against the lands of respondent No.3, which are sufficient for recovering the amount due, and to suspend the impugned notice to the extent of the lands in question, purchased by them bonafidely under registered sale deeds from their vendors, they filed the writ petition.

The learned counsel for respondent Nos.1 and 2 reiterating the averments in the counter-affidavit filed by respondent No.1, submitted that the lands in question were mortgaged to the erstwhile PADB, Nuzvid and Tiruvuru by one Vegi Venkata Satyanarayana in connection with certain loans obtained by him for various purposes, prior to the alleged purchase by the petitioners. Therefore, the bank has first charge on the lands in question to recover the amount due. He also submitted that as on today respondent No.3 is due an amount of Rs.98,000/- and odd to the bank, and as such, for recovery thereof, the bank sought to put the property to sale, and no exception can be taken thereto.

Admittedly, the petitioners purchased the lands in question, which are sought to be put to sale by respondent No.1-bank, from their respective vendors who had purchased the same from one Vegi Venkata Satyanarayana, the husband of respondent No.3. Much before alienating the land in favour of the vendors of the petitioner by way of sale, the said Vegi Venkata Satyanarayana, had taken loan from respondent No.1-bank by mortgaging the lands in question along with some other

property, and inasmuch as he failed to repay the loan, respondent Nos.1 and 2 for recovery of the loan amount sought to sell the said lands in public auction, and no exception can be taken thereto. Since the petitioners claim to have purchased the lands sought to be put to auction from their vendors bonafidely under registered sale deeds, the only course open for them is to approach the Sale Officer by way of an appropriate application under
Rule 52(21)(a) of the A.P. Co-operative Societies Rules, 1964 and put forth their claim or objections to the sale notice, and if any such application is filed, the Sale Officer shall investigate the claim or objection and dispose of the same on merits.

With the observation as above, the writ petition is disposed of. No costs.

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N.V. RAMANA, J

Date: 22-03-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Manager, The Krishna District co-operative Bank LTD.,
Chatrai Branch, Chatrai Mandal, Krishna District.

2 The Sale Officer, The Krishna District Co-operative Central Bank Limited,
VIJAYAWADA, Chatrai Branch, Krishna District.

3 Two C.D. copies.

*Form-NIC-OGS/WP{**RAGHU**}*